

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 93-026-C - ORDER NO. 93-534

JUNE 28, 1993

IN RE: Petition of AT&T Communications) ORDER
of the Southern States, Inc. for) APPROVING
the Adoption of Guidelines for) STIPULATION
Operator Services Providers)

This matter comes before the Public Service Commission of South Carolina (the Commission) on AT&T Communications of the Southern States, Inc.'s (AT&T's) Petition for the Adoption of Guidelines for Operator Services Providers (OSPs). In its Petition AT&T notes that the Federal Communications Commission (the FCC) has adopted regulations and policies which govern all interstate services provided by operator service companies. AT&T requests that its Petition and proposed guidelines be adopted by this Commission "[t]o ensure that consumers enjoy the same protections available for interstate calls when making South Carolina calls...".

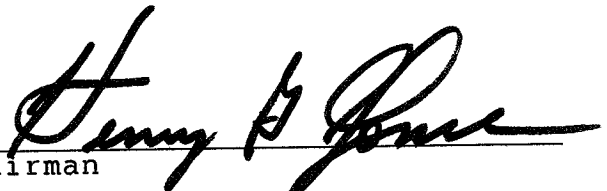
The Commission's Executive Director instructed AT&T to publish a prepared Notice of Filing in newspapers of general circulation in the affected areas one time. The purpose of the Notice of Filing was to inform interested parties of AT&T's Petition and the manner and time in which to file the appropriate pleadings for

participation in the proceeding. AT&T complied with this instruction and provided the Commission with proof of publication of the Notice of Filing. Petitions to Intervene were filed by BellSouth Telecommunications, Inc., MCI, Inc., GTE South, Inc., Contel of South Carolina, Inc., Rock Hill Telephone Company, the South Carolina Telephone Association, Intellical Operator Services, Inc., and the South Carolina Public Communications Association.

All the parties to this proceeding have reached a stipulation and an agreement which sets forth Proposed Guidelines for Operator Service Providers. (Attachment 1) The Commission has reviewed these Proposed Guidelines for Operator Service Providers and finds that the Guidelines should be and are hereby approved.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Deputy Executive Director

(SEAL)

PROPOSED OPERATOR SERVICE PROVIDERS (OSP) GUIDELINES

SECTION I. Definitions:

A. The term "access code" means a sequence of numbers that, when dialed, connect the caller to the provider of operator services associated with that sequence;

B. the term "aggregator" means any person that in the ordinary course of its operations, makes telephones available to the public or to transient users of its premises, for intrastate telephone calls using a provider of operator services;

C. the term "call splashing" means the transfer of a telephone call from one provider of operator services to another such provider in such a manner that the subsequent provider is unable or unwilling to determine the location of the origination of the call and, because of such inability or unwillingness, is prevented from billing the call on the basis of such location;

D. the term "equal access" has the meaning given that term in Appendix B of the Modification of Final Judgment entered by the United States District Court on August 24, 1982, in United States v. Western Electric, Civil Action No. 82-0192 (D.D.C. 1982), as amended by the Court in its orders issued prior to October 17, 1990;

E. the term "equal access code" means an access code that allows the public to obtain an equal access connection to the carrier associated with that code;

F. the term "operator services" means any intrastate telecommunications service initiated from an aggregator location that includes, as a component, any automatic or live assistance to a consumer to arrange for billing or completion, or both, of an intrastate telephone call through a method other than:

1. automatic completion with billing to the telephone from which the call originated;

2. completion through an access code used by the consumer, with billing to an account previously established with the carrier by the consumer; or

3. completion from a pay telephone where payment for the service is accomplished by coins deposited by the consumer.

This definition applies to any company other than local exchange companies that provide operator services to consumers;

G. the term "presubscribed operator services provider" means the intrastate provider of operator services to which the consumer is connected when the consumer places a call using a provider of operator services without dialing an access code;

H. the term "operator services provider" ("OSP") means any common carrier that provides operator services or any other person determined by the Commission to be providing operator services;

I. the term "consumer" means a person initiating any intrastate telephone call using operator services.

SECTION II. Authority:

A. The South Carolina Public Service Commission determines, based on findings of fact as to experience, capability, and financial resources to provide services as described in any OSP application, whether a certificate of public convenience and necessity should be granted.

B. Handling of Emergency Calls: All 0-/0+ emergency calls should be handled by the local exchange company.

C. All 0- and 0+ local and intraLATA toll consumer dialed calls shall be routed to the local exchange company.

SECTION III. Consumer Information:

A. Requirements of the aggregator:

Post on or near the telephone instrument, in plain view of consumers:

1. the name, address, and toll-free telephone number of the provider of operator services by placement of a "tent card" or sticker, whichever is more practical;
2. a written disclosure that the rates for all operator-assisted calls are available on request, and that consumers have a right to obtain access

to the intrastate common carrier of their choice and may contact their preferred intrastate common carrier for information on accessing that carrier's service using that telephone;

3. a statement that an additional charge for the use of this payphone may apply; and

4. the name and address of the enforcement division of the Federal Communications Commission, to which the consumer may direct complaints regarding operator services.

B. Requirements of each Operator Services Provider:

1. each OSP shall accurately identify itself by its certified name, audibly and distinctly, to the consumer at the beginning of each telephone call, and until January 15, 1994, brand a second time before the consumer incurs any charge for the call;

2. permit the consumer to terminate the telephone call at no charge before the call is connected;

3. upon request, disclose immediately and at no charge to the consumer, any or all of the following: a) a quotation of rates or charges for the call, b) the methods by which such rates or charges will be collected, and c) the methods by which complaints concerning such rates, charges, or collection practices will be resolved.

SECTION IV. Restrictions on charges related to the provision of operator services

A. An aggregator shall ensure that no charge by the aggregator to the consumer for using an "800," "950" or "10XXX0+" access code number, is greater than the amount the aggregator charges for calls placed using the presubscribed provider of operator services.

B. An Operator Service Provider shall:

1. not bill for unanswered telephone calls in areas where equal access is available;

2. not knowingly bill for unanswered telephone calls:
 - a) where equal access is available but the OSP cannot subscribe to a form of access that provides answer supervision capability, and
 - b) where equal access is not available;
3. not engage in call splashing, unless the consumer requests to be transferred to another provider of operator services, the consumer is informed prior to incurring any charges that the rates for the call may not reflect the rates from the actual originating location of the call, and the consumer then consents to be transferred;
4. not bill for a call that does not reflect the location of the origination of the call; and
5. ensure, by contract or tariff, that each aggregator for which such provider is the pre-subscribed provider of operator services is in compliance with the requirements of Paragraph A.

SECTION V. Unblocking:

A. The operator services provider (OSP) must obtain the appropriate assurances that the aggregator does not prevent an end user from accessing his/her OSP of choice from any telephone using the dialing sequences of 10XXX0+, 950-XXXX, and 1-800 access code numbers.

B. Each provider of operator services shall:

1. ensure, by contract or tariff, that each aggregator for which such provider is the presubscribed provider of operator services is in compliance with the requirements of Paragraph A; and
2. withhold payment (on a location-by-location basis) of any compensation, including commissions, to aggregators if such provider reasonably believes that the aggregator is blocking access to intrastate common carriers in violation of Paragraph A, pursuant to the enforcement provision set forth in Section VI of these Guidelines.

SECTION VI. Enforcement:

A. If the Public Service Commission reasonably believes the OSP from whom the aggregator is receiving service through a contract or tariff reasonably believes, that the aggregator is in violation of the OSP Guidelines, the aggregator will be notified by written notice by the Public Service Commission or by the OSP (copy to the PSC) of the alleged violation.

B. The aggregator must correct the violation of the unblocking instructions, or reasonably demonstrate that no violation has occurred, within 30 days of this notification. Within this same 30-day period, the aggregator must provide the OSP with a written statement (copy to the PSC) reasonably demonstrating that no violation has occurred or that it has corrected the violation.

C. If, after this 30-day period, the OSP has not been notified in writing by the aggregator that the violation has been corrected, the OSP will notify the aggregator by written notice that it is required to withhold commission payments from the aggregator (copies to the PSC).

D. The PSC may also impose fines and/or penalties for willful or repeated failure to comply with this regulation.

E. The OSP can resume commission payments upon receipt of the appropriate evidence from the aggregator that it has corrected the violation. The aggregator should notify the PSC that it has corrected the violation.

SECTION VII. Additional Limitations:

Calling from confinement facilities by inmates, pursuant to South Carolina Public Service Commission authorization, is not governed by these Operator Services Providers Guidelines.

SECTION VIII. Rates and Tariffs:

A. Upon issuance of a Certificate of Public Convenience and Necessity, as described in Section II above, Operator Service Providers shall:

1. file its tariff with any modifications required by the OSP's Certificate of Public Convenience and Necessity and an accompanying price list to reflect the

Commission's findings within thirty (30) days of issuance of Certificate.

SECTION IX. Surveillance Reports:

All Operator Service Providers shall file surveillance reports on a calendar or fiscal year basis with the Commission as required by Order No. 88-178 in Docket No. 87-483-C. The proper form for these reports is indicated on Attachment A. If an OSP is also a certified interexchange carrier, it may provide one (1) Annual Report which would include the pertinent information relating to its OSP activities.